

INTRODUCTION

General

1. In accordance with article 19 of the Constitution of the International Labour Organization, the Governing Body of the International Labour Office, at its 273rd Session (November 1998) decided to invite governments which have not ratified the Night Work (Women) Convention, 1919 (No. 4), or the Night Work (Women) Convention (Revised), 1934 (No. 41), or the Night Work (Women) Convention (Revised), 1948 (No. 89), and the Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948, to submit reports on the state of their law and practice regarding these matters.¹ These reports, in addition to those submitted in accordance with articles 22 and 35 of the ILO Constitution by States which have ratified one or more of these Conventions, have enabled the Committee of Experts on the Application of Conventions and Recommendations to prepare a General Survey on the effect given to these instruments both in the States which are bound by the provisions of these instruments and in those which are not. This is the first General Survey carried out by the Committee on the above-cited instruments since their adoption.

Origins of the night work prohibition: Women as a special class of factory workers

2. Night work is a by-product of the industrial revolution of the eighteenth and nineteenth centuries. Prior to that time, as darkness descended, most manual labour was compelled to cease. Both human and animal labour occurred from sunrise to sunset in agriculture. Industrialization, with machinery that could run around the clock, and with artificial lighting, changed that. In the early stages of industrialization, working conditions were harsh. Not only were working hours long, but the manual labour was arduous. Women workers were felt to be particularly affected as, in many cases, when they left the factory they returned to a dwelling devoid of labour-saving devices and faced the additional burdens of child rearing, cooking and housework.

¹ See GB.273/205, para. 24.

3. The advent of night time working in factories disrupted long-established social patterns predicated on working days and a weekly day of rest. Those concerned with improving the miserable circumstances of factory workers were struck by the particularly harsh impact of night work on women and children and thus made the adoption of measures to protect women and children from the harmful effects of night work a priority. Night work for women was first prohibited in England, in 1844. More than 30 years later, England's approach was followed by Switzerland in 1877, New Zealand in 1881, Austria in 1885, the Netherlands in 1889 and France in 1892. At a time when women were viewed as physically weaker than men, as more susceptible to exploitation, and primarily as mothers and housekeepers, the legislators' articulated motivation in enacting this prohibition was concern for women's safety, moral integrity and health and for family welfare. For these reasons, legislators of that period viewed adult women and children as belonging to a special class of factory workers needing special protection, who, in fact, were not considered to be competent to make valid choices.

4. The idea of protecting women from arduous working conditions also found expression in the Preamble of the ILO Constitution which provides that "an improvement of those [labour] conditions is urgently required; as, for example, by the regulation of the hours of work, including [...] the protection of children, young persons and women". The question of night employment of women has been a recurrent theme in the standard-setting work of the ILO. Since its early days, the Organization has demonstrated a particular interest in the regulation of the harmful effects of night work as well as the protection of women workers. The Maternity Protection Convention, 1919 (No. 3), the Night Work of Young Persons (Industry) Convention, 1919 (No. 6), and the Night Work (Bakeries) Convention, 1925 (No. 20), were among the first to be adopted by the International Labour Conference attesting to the Organization's primary concern about the effective regulation of working hours and the protection of the health and welfare of employed mothers. Convention No. 4 stands, therefore, at the convergence point of this twofold preoccupation – humanizing working conditions by limiting night work in general, while setting up women-specific protective rules principally on account of their unique reproductive role and traditional, burdensome family responsibilities.

5. From the Washington Convention of 1919 to the 1934 instrument, and from the 1948 revision to the 1990 Protocol and Convention No. 171, the ILO standards on night work of women have been elaborated upon to reflect, on each occasion, the changing nature of night work, the prevailing social perceptions about the acceptability of such work and more generally about the place of women in society and the labour market. Thus, the persistent quest for flexibility in the application of the prohibition of night work for women, as the driving force behind the revision exercises of 1934, 1948 and 1990, was only echoing,

on the legislative level, the changing role of women in economic life, including the growing need to ensure equal opportunities and treatment in employment.

6. Special protective measures for women may be broadly categorized into two types: those aimed at protecting women's reproductive and maternal capacity, and those aimed at protecting women generally because of their sex or gender, based on stereotypical perceptions about their capabilities and appropriate role in society. In general, it is recognized that protective measures which protect the reproductive capacity of women are necessary for the achievement of substantive equality. Several ILO Conventions adopted from 1919 to 2000 (for instance, Conventions Nos. 3, 103 and 183, all on maternity protection) reflect this view. Such measures include those dealing with maternity protection in the strict sense (maternity leave, job and income security, medical benefits) and protection of special conditions of work for pregnant or nursing mothers (nursing breaks, organization of working hours, restriction of exposure levels to particular substances and processes, prohibition of night work and work considered to be dangerous to the foetus or to pregnant or nursing women). General protective measures, which have usually taken the form of blanket prohibitions or restrictions, as in relation to night work, have always been questioned by some and recently have been subjected to extensive criticism as obsolete and unnecessary infringements of the fundamental principles of equality of opportunity and equal treatment as between men and women. The instruments under study fall into this latter category.

7. The recent debate over the appropriateness of the instruments prohibiting and restricting night work for women has several contentions expressed by various parties. Firstly, it is contended that the harmful effects of night work on women have been largely exaggerated and are in any event no worse than the effects of such work on men; and further that, in many parts of the world, the awful night working conditions which prompted the original approach have been improved. Secondly, it is contended that there are situations where women want or need to earn income and blanket prohibitions are seen as preventing women from obtaining employment, thus restricting their access to specific jobs, certain occupations, higher wages and premium payments. The prohibitions are thus seen as contravening the principle of equality as they prevent women from exercising their right to equal access to jobs. It has also been contended that in practice, even in the face of legal prohibitions, women are working at night but without any protection. Thirdly, it is argued that, at the macro level, considerations related to job creation, productivity and economic growth would call for the repealing of such restrictions on night work. This brings up the fourth contention that blanket prohibitions and restrictions should be replaced with necessary and proportionate protections such as those on maternity, health, adequate transportation and security, and other social services. On the other hand, there are those who contend that in some parts of the world the role and status of women has not significantly changed and that their only

means of protection from having to engage in deplorable conditions of work at night would be the maintenance of the restrictions as contained in the instruments under review.

The Conventions on night work of women and the Working Party on Policy regarding the Revision of Standards

8. The Working Party on Policy regarding the Revision of Standards was set up by the Governing Body in March 1995. Its mandate included assessing actual needs for the revision of standards, examining the criteria that could be applied to revision and analysing the difficulties and inadequacies of the standard-setting system with a view to proposing effective practical measures to remedy the situation.² The Working Party has held 11 meetings so far and has formulated a significant number of recommendations, which have been unanimously approved by the Committee on Legal Issues and International Labour Standards (LILS) and the Governing Body. The Working Party has conducted case-by-case examinations of Conventions and Recommendations. To date, its work has resulted in decisions regarding 176 Conventions and 186 Recommendations by the Governing Body recommending a range of actions to be taken either by the Office or by member States.

9. In March 1996, the Office prepared a paper for the second meeting of the Working Party reviewing the Conventions that had either not entered into force, had been left dormant or had received only few ratifications. It analysed the status of Convention No. 41, in view especially of the number of denunciations of which it had been the subject, and suggested that the Working Party could propose that Convention No. 41 be left dormant, with immediate effect, while States parties to it could be invited to contemplate ratifying Convention No. 89 and its Protocol, and/or the Night Work Convention, 1990 (No. 171), and denouncing Convention No. 41 at the same time.³ The Worker members did not support this idea without a more detailed examination of Convention No. 41, preferably in conjunction with Conventions Nos. 4 and 89. Following their objection, it was finally decided to postpone discussion of Convention No. 41 and request the Office to prepare a new document containing a comprehensive review of all three Conventions dealing with night work of women.⁴

10. In November 1996, the Working Party had before it a paper discussing the relevance and revision needs of Conventions Nos. 4, 41 and 89. The Office submitted that the Working Party could propose, in this regard, that:

² The mandate of the Working Party is appended to GB.267/LILS/WP/PRS/2.

³ See GB.265/LILS/WP/PRS/1, p. 14.

⁴ See GB.265/LILS/5, para. 39, and GB.265/8/2, para. 24.

(a) Conventions Nos. 4 and 41 be shelved with immediate effect; (b) States parties to these Conventions be invited to consider the possibility of ratifying Convention No. 89, and its Protocol of 1990 or, where necessary, ratifying Convention No. 171 and denouncing Conventions Nos. 4 and 41 at the same time; (c) States parties to Convention No. 89 be invited to contemplate ratifying the Protocol of 1990 to that Convention or, where appropriate, ratifying Convention No. 171. The Employer members were in favour of shelving Conventions Nos. 4 and 41 with immediate effect and promoting the ratification of Convention No. 171, while the Worker members were against the shelving of the two Conventions and emphasized the need to promote the ratification of Convention No. 89. Finally, a consensus was reached on the proposal to promote the ratification of Convention No. 89 and its Protocol of 1990 or, where appropriate, of Convention No. 171, and to denounce, as appropriate, Conventions Nos. 4 and 41. It was also agreed that, in due course, the Working Party could consider shelving Conventions Nos. 4 and/or 41 and that member States would be asked to submit reports under article 19 of the Constitution with a view to enabling the Committee of Experts to conduct a General Survey on the subject.⁵

11. In approving the proposals of the Working Party, the Governing Body has thus resolved that Conventions Nos. 4 and 41 “retain their value on an interim basis for States party”⁶ and that therefore the shelving of these Conventions is not called for under present conditions. At the same time, the Governing Body expressed concern over the fact that revising Conventions have not always been well ratified, leaving in force revised Conventions normally closed to ratification. It considered that under such circumstances it would be necessary to encourage the promotion of updated Conventions, while encouraging the denunciation of outdated ones, so as to avoid the piling up of complex and often conflicting legal obligations arising from the coexistence of overlapping instruments.⁷

⁵ See GB.267/LILS/4/2(Rev.), paras. 47-49, and GB.267/9/2, para. 14.

⁶ See GB.270/LILS/WP/PRS/1/1, Appendix I, para. 21.

⁷ In response to the Governing Body’s decision to draw the attention of those States parties to Convention No. 4 which have also ratified Convention No. 41 or Convention No. 89 to examine the possibility of ratifying, as appropriate, Convention No. 89 and/or its Protocol and denouncing at the same time Convention No. 4, the Government of Burundi communicated its intention to ratify the 1990 Protocol and to denounce Convention No. 4; see GB.270/LILS/WP/PRS/1/1, para. 33.

The Committee's mandate and the specificity of the present survey

12. Before embarking on the technical analysis of the four instruments under review, the Committee considers it necessary to make some preliminary observations on the specificity of the present survey and how this affects the role of the Committee, together with the manner in which it intends to carry out its mandate. The subject of the present survey is a controversial one. While the issue of regulating women's access to night work has never been free of controversy, in the last 25 years it has generated an intense debate as for many it has come to symbolize one of the last legislative barriers before full equality of treatment at work between men and women can be achieved. In the opinion of a considerable number of governments, institutions and pressure groups, there is a fundamental contradiction between the willingness to provide differential treatment for female employees, simply because of their sex, and the commitment to equal opportunity and treatment for all workers. In fact, there is overwhelming evidence that at both the national and international level there is a marked shift on the part of governments from providing protection to providing equality.

13. The debate has put the Organization in a difficult position. Even though there is no question about the International Labour Organization's pioneering work in the field of women's advancement and equal rights, its reluctance to dispense with evidently obsolete instruments, as some would qualify the Conventions on night work of women, is sometimes perceived as perpetuating traditional and stereotypical assumptions about the role of women in the workplace and in society generally. The International Labour Organization would appear to many as the only body to "resist" gender mainstreaming⁸ in retaining among its standards provisions prohibiting the access of women to particular occupations.

14. As analysed in greater detail below, the Office has sought on several occasions in the last 15 years to assess the willingness of its constituents to abandon protective legislation on women's night work and find the best policy option for future action in matters of night work regulation. These efforts, however, proved inconclusive. In 1984, the Office gave a legal opinion advising member States that they were bound to review their protective legislation in

⁸ According to the ECOSOC definition of gender mainstreaming, "Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension in the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality"; see UN doc. A/52/3 of 18 Sep. 1997, Ch. IV, s. A, para. 4.

accordance with the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). It further emphasized that following this review member States might need to denounce the relevant ILO Conventions at the appropriate time.⁹ In 1985, a Conference resolution on equal opportunities and equal treatment for men and women in employment called on member States “to review periodically all protective legislation applying to women in the light of up-to-date scientific knowledge and technological changes” so that national laws would conform to international standards.¹⁰ In 1986, the Committee in a comment in its General Report on the application of Conventions on the night work of women, referred to the growing difficulties it witnessed in the application of existing standards relating to this matter and drew the attention of the Governing Body to the importance of seeking a rapid solution.¹¹ In 1989, the Meeting of Experts on Special Protective Measures for Women and Equality of Opportunity and Treatment resolved that the Organization’s task was to assist member States to carry out the review of protective legislation.¹² In 1990, the International Labour Conference adopted a Protocol substantially revising Convention No. 89, without however formally repealing the prohibition of night work for women in industry. At the same session, it adopted the Night Work Convention, 1990 (No. 171), calling for protection of both women and men working at night. A few years later, the Governing Body decided to promote the ratification of Convention No. 89 and its Protocol while qualifying Conventions Nos. 4 and 41 as obsolete and inviting States parties to consider denunciation. Finally, it might be emphasized that, since the adoption of the 1990 Protocol to Convention No. 89, there have been only three ratifications of the Protocol, but nine denunciations of Convention No. 89. This calls attention to the fact that the international labour Conventions on women’s night work have been among the most widely denounced ILO instruments.

15. Under these circumstances, and bearing in mind the conclusions of the Working Party on Policy regarding the Revision of Standards, the Committee considers that the present survey is of particular significance. In undertaking the review of national laws and practice with regard to night work of women in industry, the Committee is called upon to give an opinion on the as yet unsettled issue, whether the ILO instruments dealing with this matter are still appropriate and respond to current needs. The Committee welcomes the opportunity afforded by this survey to consider and offer guidance on an issue which remains

⁹ See GB.228/24/1, para. 17.

¹⁰ See ILC, 71st Session, 1985, *Record of Proceedings*, p. LXXX.

¹¹ See ILC, 72nd Session, 1986, Report III (Part 4A), p. 24.

¹² See *Special protective measures for women and equality of opportunity and treatment*, Documents considered at the Meeting of Experts on Special Protective Measures for Women and Equality of Opportunity and Treatment, MEPMW/1989/7, p. 80.

unresolved and which is both relevant and important, in the light of increasing globalization and growing recognition and acceptance of the principle of equality between the sexes.

Status of ratification

16. Convention No. 4 came into force on 13 June 1921. As at 8 December 2000, it had been ratified by 59 member States and subsequently denounced by 29 member States.¹³ Among the States for which Convention No. 4 is still in force, 22 are also parties to one of the revising Conventions Nos. 41 or 89.¹⁴ Among the latest ratifications were those of *Angola*, *Bangladesh* and *Guinea-Bissau* registered in 1976, 1972 and 1977, respectively. Despite having been revised, this Convention has not been closed to further ratifications. This is the case since it was adopted prior to the introduction of the final Articles providing for the closure of a Convention to further ratifications upon the acceptance of an instrument revising that Convention. Among the States who have so far denounced Convention No. 4, 21 subsequently ratified Conventions No. 41 and/or No. 89. Among the most recent denunciations were those of *Argentina*, *Peru* and *Portugal* registered in 1992, 1997 and 1993, respectively. Regarding the reasons invoked for denunciation, *Peru* relied on its constitutional provision prohibiting discrimination based on origin, race, sex, language, religion, opinion, economic situation, or any other ground, *Portugal* referred to the need to

¹³ The following 30 member States are still bound by Convention No. 4: Afghanistan, Angola, Austria, Bangladesh, Benin, Burkina Faso, Burundi, Cambodia, Central African Republic, Chad, Colombia, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Gabon, Guinea-Bissau, India, Italy, Lao People's Democratic Republic, Lithuania, Madagascar, Mali, Morocco, Nicaragua, Niger, Pakistan, Rwanda, Senegal, Spain and Togo. The Convention has so far been denounced by the following States: Albania, Argentina, Belgium, Brazil, Bulgaria, Cameroon, Chile, Congo, France, Greece, Guinea, Hungary, Ireland, Luxembourg, Malta, Mauritania, Myanmar, Netherlands, Peru, Portugal, Romania, South Africa, Sri Lanka, Switzerland, Tunisia, United Kingdom, Uruguay, Venezuela and Yugoslavia (this refers to the former Socialist Federal Republic of Yugoslavia. The Government of the Federal Republic of Yugoslavia, which joined the International Labour Organization on 24 November 2000, has not yet notified its decision concerning the Conventions previously ratified by the former Socialist Federal Republic of Yugoslavia. As from the date of accession of the Federal Republic of Yugoslavia to ILO membership, the former Socialist Federal Republic of Yugoslavia was deleted from the list of ILO member States).

¹⁴ To date, the following 12 member States are bound by both Convention No. 4 and Convention No. 41: Afghanistan, Benin, Burkina Faso, Central African Republic, Chad, Côte d'Ivoire, Gabon, Madagascar, Mali, Morocco, Niger and Togo. Furthermore, the following ten member States are still bound by both Convention No. 4 and Convention No. 89: Angola, Austria, Bangladesh, Burundi, Democratic Republic of the Congo, Guinea-Bissau, India, Pakistan, Rwanda, and Senegal. The following eight member States are only bound by Convention No. 4: Cambodia, Colombia, Cuba, Italy, Lao People's Democratic Republic, Lithuania, Nicaragua and Spain.

harmonize internal legislation with European Community law, while *Argentina* argued that the limitation of the hours of work of women had become a genuine obstacle to the actual integration of women into the labour market. Finally, three States (*Cuba, Italy, Spain*) are in the rather unusual position of having denounced Convention No. 89, but not Convention No. 4; they are thus still bound by the provisions of the earlier instrument.

17. Convention No. 41 came into force on 22 November 1936. As at 8 December 2000, it had been ratified by 38 member States, and subsequently denounced by 22 member States.¹⁵ Following the entry into force of Convention No. 89 in 1951, Convention No. 41 was closed to any further ratification. It has to be pointed out, however, that most of the current ratifications of Convention No. 41, which date back to 1960, are in fact declarations of continuation of application of the Convention made by newly independent States in respect of which the Convention was already in force prior to independence. The latest ratification was that of *Suriname* which was registered in 1976. To date, there have been 18 “automatic” denunciations as a result of the ratification of the revising Convention No. 89. Among the four “pure” denunciations of Convention No. 41, *Peru* invoked in 1997 its constitutional provision recognizing equal rights to all citizens and prohibiting discrimination based on sex, while *Hungary* in 1977 considered that the exclusion of women from night work was discriminatory especially in so far as wage levels and promotion at work were concerned.

18. Convention No. 89 came into force on 27 February 1951. As at 8 December 2000, it had been ratified by 65 member States and subsequently denounced by 15 member States.¹⁶ The latest ratifications are those of *Bosnia and Herzegovina, Czech Republic* and *Slovakia*, all registered in 1993. Among the denunciations, nine were registered in the period 1991-92, mostly by EU Member States, following the judgement of the European Court of Justice in the

¹⁵ The following 16 member States are still bound by Convention No. 41: Afghanistan, Argentina, Benin, Burkina Faso, Central African Republic, Chad, Côte d’Ivoire, Estonia, Gabon, Madagascar, Mali, Morocco, Niger, Suriname, Togo and Venezuela. The Convention has so far been denounced by the following States: Belgium, Brazil, Congo, Egypt, France, Greece, Guinea, Hungary, India, Iraq, Ireland, Mauritania, Myanmar, Netherlands, New Zealand, Pakistan, Peru, Senegal, South Africa, Sri Lanka, Switzerland and the United Kingdom.

¹⁶ The following 50 member States are still bound by Convention No. 89: Algeria, Angola, Austria, Bahrain, Bangladesh, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Burundi, Cameroon, Comoros, Congo, Costa Rica, Cyprus, Czech Republic, Democratic Republic of the Congo, Djibouti, Dominican Republic, Egypt, Ghana, Guatemala, Guinea, Guinea-Bissau, India, Iraq, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malawi, Mauritania, Pakistan, Panama, Paraguay, Philippines, Romania, Rwanda, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Swaziland, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Tunisia, United Arab Emirates, Yugoslavia (see footnote 13 above) and Zambia. The Convention has so far been denounced by the following States: Belgium, Cuba, France, Greece, Ireland, Italy, Luxembourg, Malta, Netherlands, New Zealand, Portugal, Spain, Sri Lanka, Switzerland and Uruguay.

Stoeckel case, which drew attention to the incompatibility of the prohibition of night work for women with the European Council Directive 76/207/EEC on equal treatment. It should be noted that, with the exception of the Governments of *Switzerland* which invoked economic necessity and *Cuba*, which offered no explanation for denunciation, all other denouncing States have justified their decision by arguing that maintaining the prohibition on the night work of women in industry constituted an inadmissible discrimination against working women and that the concern for protection which originally inspired the Convention was no longer relevant. As regards the Protocol of 1990 to Convention No. 89, it has so far received three ratifications.¹⁷ Detailed information on the status of ratification/denunciation of the instruments under review is contained in Appendix I of this survey.

Available information

19. For this survey, the Committee relied on the information communicated under article 19 of the ILO Constitution by 109 States regarding the position of their law and practice in relation to the matters dealt with in Conventions Nos. 4, 41, 89 and the 1990 Protocol to Convention No. 89. Moreover, the Committee drew upon the reports submitted under articles 22 and 35 of the Constitution by those member States which have ratified one or more of the Conventions under review. Finally, the Committee has taken account of observations and comments submitted by employers' and workers' organizations on the practical application of the different provisions of the Conventions and the Protocol in their countries.¹⁸

20. The Committee commends the large number of governments which have communicated reports on these instruments; of the 173 member States concerned, 109 submitted reports. The Committee is somewhat concerned, however, about the summary and often incomplete information contained in some of the reports received. In some cases, reports contained mere references to

¹⁷ Cyprus, Czech Republic, Tunisia. Under the terms of Art. 4 of the Protocol, a Member may ratify the Protocol at the same time or at any time after its ratification of the Convention. However, a Member may not ratify the Protocol only without ratifying Convention No. 89. The ratification of the Protocol takes effect 12 months after its registration.

¹⁸ *Austria*: Federal Chamber of Labour; *Barbados*: Barbados Workers' Union (BWU); *Brazil*: National Confederation of Transport (CNT), General Confederation of Workers; *Canada*: Canadian Employers Council; *Finland*: Central Organization of Finnish Trade Unions (SAK); *Republic of Korea*: Korean Confederation of Trade Unions (KCTU), Korean Employers' Federation (KEF); *Mauritius*: Mauritius Employers' Federation (MEF); *Mexico*: Confederation of Mexican Workers (CTM); *Namibia*: Namibian Employers' Federation (NEF); *New Zealand*: New Zealand Council of Trade Unions (CTU), New Zealand Employers' Federation; *Portugal*: General Confederation of Portuguese Workers; *Sri Lanka*: Employers' Federation of Ceylon, Lanka Jathika Estate Workers' Union; *Turkey*: Turkish Confederation of Employer Associations (TISK), Confederation of Turkish Trade Unions (TÜRK-İS).

legislative provisions without any information on the practical application of the Conventions under review while, in some other cases, Members which are no longer bound by any of the instruments examined here considered it unnecessary to report on their law and practice in matters of night work regulation. The Committee recalls that regular and thorough reporting is an obligation inherent to membership and also of critical importance to the functioning of the Organization's supervisory bodies. The Committee regrets also the small number of workers' and employers' organizations which seized the opportunity offered by article 23 of the ILO Constitution in order to express their views on the concrete application of national laws and regulations dealing with the subject matter of this survey. The Committee reiterates that the fulfilment of its mandate in a meaningful manner is dependent on obtaining across-the-board information and thus on the active cooperation not only of governments but also of social partners.

Outline

21. The General Survey is divided into five chapters. Chapter 1 describes the factual context in which the standards set forth in the Conventions under review are assumed to operate. Chapter 2 looks into the historical evolution of the standards and examines their rationale and scope of application. Chapter 3 includes a compilation of national laws, rules and regulations related to night work and female labour, and attempts to identify whether, and to what extent, prevailing patterns and trends comply with the standards reflected in the Conventions under consideration. Chapter 4 discusses the validity of standards on night work of women in light of the ongoing controversy as to the compatibility of those standards with the principles of non-discrimination and gender equality. Chapter 5 contains the Committee's observations as to the ratification prospects of the four instruments under review, while in the concluding section of the survey the Committee offers some final thoughts on the strengths and weaknesses and continued relevance of the ILO instruments concerning the night work of women in industry.